

**CITY OF OLIVETTE  
CITY COUNCIL MEETING MINUTES  
June 28, 2016**

The Olivette City Council met on June 28, 2016 at 7:00 PM in the Council Chambers at Olivette City Hall located at 9473 Olive Boulevard, Olivette, Missouri. Mayor Ruth Springer called the meeting to order.

**Item #1 – Roll call**

On roll call, the following persons were present: Mayor Ruth Springer, Chairman Pro-tem J. Gregory Carl, Council Member Maxine Weil, Council Member Missy Waldman, and Council Member Suzanne Sewell.

Also in attendance were City Manager Barbara Sondag, Police Chief Rick Knox, Fire Chief Scott Avery, Finance Director Darren Mann, Planning & Community Development Director Carlos Trejo, Parks and Recreation Director Beverly Tucker-Knight, and City Clerk Myra Bennett. City Attorney Paul Martin was absent.

**Item #2 – Communications**

City Clerk Bennett noted that no written communications were submitted for the June 28, 2016 City Council meeting.

**Item #3 – City Manager's Report**

City Manager Sondag reported the following:

- Work continues on the new City Center. The second floor was poured last Friday, and the brickwork has been started. The project remains under budget, and March 2017 is the anticipated move in.
- Construction continues on the Old Bonhomme Road project. The portion of the work from Price to Dielman is almost completed, and crews have moved westward between Lynne Court and Olive Boulevard. Traffic remains westbound only. The City Manager thanked the Olivette Police Department for their assistance with traffic issues and concerns, and reminded residents to drive slowly and carefully through construction areas.
- Party in the Park was held on June 17<sup>th</sup>, and was a fun event. The City Manager thanked the volunteers and everyone who came out to participate in the event. She noted that there will be another Party in the Park event on September 23<sup>rd</sup> at Warson Park.
- Surveying is currently happening with regard to the proposed I-170/Olive Boulevard redevelopment project. She noted the following tentative schedule regarding the project: Preliminary Engineering – July, Redevelopment Plan Completed – August, TIF Commission Appointed – August/September, TIF Public Hearing – September/October, Development Agreement – October.
- It is anticipated that the request for proposals for the current City Hall site will be going out in July.
- Olivette Night Out was held June 21<sup>st</sup>. The City Manager thanked the 19 neighborhoods who participated in the event.
- An electronics recycling/paper shredding/drug take back event was held on June 18<sup>th</sup>. Over 262 families participated in the event during the 3 hour period. The City Manager thanked Major Roemer and Parks Director Tucker-Night for their coordination of the event.

- A "Social Hour with the Mayor" event will be held tomorrow night at 5:30 PM at City Hall.
- A "Family Overnight" event will be held on July 22<sup>nd</sup> at Stacy Park. Additional information on the event is available on the City website.

#### **Item #4 – City Council Reports**

Council Member Sewell noted that she attended the Parks and Recreation Commission (PCDC) meeting on June 15<sup>th</sup>, which consisted of a tour of the Maryland Heights Community Center.

Council Member Weil stated that she had attended no additional meetings.

Council Member Waldman stated that she attended the Planning and Community Design Commission (PCDC) meeting on June 16<sup>th</sup>. Actions taken included approval of patio at 10 St. Alfred Road, approval of new single family homes at 15 St. Alfred Road and 50 Stoneleigh Towers Street, deferral of consideration of a Final Subdivision Plat for a 3-lot subdivision to be known as Sleepy Hollow Addition (9335 Old Bonhomme Road), and approval of a Preliminary Subdivision and Final Subdivision Plat for a boundary adjustment for the 3-properties impacted by Orchard Lane under the North Price Road NID. She stated that the Commission also discussed Chapter 440 Communications Towers, regarding antenna usage issues, with a presentation from Joe Marcus of Black & Veatch representing ExteNet Systems, Inc.

Chairman Pro-tem Carl stated that he attended the Economic Development Commission meeting on June 27<sup>th</sup>. He noted that the EDC continues to work on the request for proposals for the current City Hall site redevelopment area. He reported that the EDC also discussed the St. Louis Economic Development Partnership grant and master plan for the area that includes Monsanto, Danforth Plant Science Center, BRDG, Helix and surrounding area.

Mayor Springer reported that she attended a ribbon cutting this afternoon for the new outdoor science lab at Logos School. She stated that is very nice and serene, and she stated that she is very excited for them. She noted that she had asked staff to prepare a proclamation for the event, and she read the proclamation for those in attendance at the meeting. (Please see attached proclamation.)

Mayor Springer posed questions relating to the "antenna" issue, noted in Council Member Waldman's summary report from the PCDC meeting. Planning and Community Development Director Trejo noted that state regulations were put into place two years ago regarding this issue, and these regulations have been challenged and upheld twice. City Attorney Martin will be discussing these issues with the Planning and Community Design Commission.

#### **Item #5 – Financial Reports for the period ending May 31, 2016**

Finance Director Mann gave a summary of revenues and expenditures for all funds for the period ending May 31, 2016. He stated that, at the 11 month mark, the total revenues for the general fund is 91%; total expenditures at 87%.

#### **Item #6 – Hearing from Citizens (Part I) – Three (3) Minutes Per Person, Ending Approximately at 8:00 PM**

Morton Bertish, 8829 Chisholm Court, addressed the City Council, noting that the grass needs to be cut at the I-170/Olive Boulevard redevelopment area.

**OLD BUSINESS**

**Item #7 – Bill #2808 - An Ordinance repealing Chapter 500 Building Regulations of the Municipal Code of the City of Olivette and Enacting a New Chapter in Lieu thereof Relating to Building Codes, Regulations, and Fees – Second Reading**

City Clerk Bennett read Bill #2808 - An Ordinance repealing Chapter 500 Building Regulations of the Municipal Code of the City of Olivette and Enacting a New Chapter in Lieu thereof Relating to Building Codes, Regulations, and Fees for the second time, by title only.

Planning and Community Development Director Trejo gave an overview of this issue, noting revisions to the Bill since the first reading. He noted that Insurance Services Office, Inc. (ISO) has noted that the building code regulations the City currently enforces are over six (6) years behind publication. In review of the City’s building codes, the ISO has downgraded the ISO Class rating from a Class 4 to a Class 9 for both 1 & 2 family residential property and commercial and industrial property. He stated that the regression is primarily attributed to the current building codes adopted.

Mr. Trejo noted that the ISO has provided the City an opportunity to maintain the current Class 4 if the City adopts a version of the ICC building codes that are less than six (6) years from publication. The ICC has building codes with publish dates of 2009, 2012, and recently 2015.

Staff is recommending that City consider adoption of the following: 2015 ICC International Building Code, 2015 ICC International Residential Code, 2015 ICC Existing Building Code, and the 2015 ICC International Property Maintenance Code.

Mr. Trejo noted that, in conjunction with the building code updates, staff has evaluated the current fee schedule and is forwarding an adjustment to the City Council for consideration. The last fee adjustment was in January 2003, when the City adopted the fee schedule that was at that time enforced by St. Louis County. Since 2003, St. Louis County has adjusted their fee schedule twice, and the City has not. City Council discussion held.

Chairman Pro-tem Carl made a motion to amend Bill #2808 by substituting the version before the City Council at tonight’s meeting, dated July 28, 2016, in place of the one read for the first time at the June 14<sup>th</sup> meeting. Motion seconded by Council Member Waldman.

**POLL OF THE COUNCIL:**

Chairman Pro-tem Carl	Yea
Council Member Waldman	Yea
Council Member Sewell	Yea
Council Member Weil	Yea
Mayor Springer	Yea

Motion passed.

Chairman Pro-tem Carl made a motion to approve Bill #2808 - An Ordinance repealing Chapter 500 Building Regulations of the Municipal Code of the City of Olivette and Enacting a New Chapter in Lieu thereof Relating to Building Codes, Regulations, and Fees, as amended. Motion seconded by Council Member Weil.

**POLL OF THE COUNCIL:**

Chairman Pro-tem Carl	Yea
Council Member Weil	Yea
Council Member Sewell	Yea

Council Member Waldman                      Yea  
Mayor Springer                                      Yea

Motion passed. By action of the City Council, Bill #2808 becomes Ordinance #2582.

**Item #8 – Bill #2809 - An Ordinance Making Appropriations for Current Expenses of the City Government of the City of Olivette, Missouri for the Fiscal Year July 1, 2016-June 30, 2017; Adopting a Certain Budget; and Adopting a Certain Salary Scale – Second Reading, Public Hearing and Adoption**

City Clerk Bennett read Bill #2809 - An Ordinance Making Appropriations for Current Expenses of the City Government of the City of Olivette, Missouri for the Fiscal Year July 1, 2016-June 30, 2017; Adopting a Certain Budget; and Adopting a Certain Salary Scale for the second time, by title only.

At approximately 7:50 PM, Mayor Springer closed the regular meeting and opened the floor for a public hearing.

Council Member Waldman stated that she would like to make a few comments for the public record. Comments were as follows: "Thank you Madam Mayor for granting me time to speak before the public hearing. For 16 years the citizens know I tell it like it is. I grew up hearing mother say, "communication is 99% of the game", so let's communicate about our annual budget. Every year, I sit in my recliner chair for hours reviewing the city budget for the new calendar year. I junk it up with post-it notes and yellow high lighter. This year's budget summary and the 5 year Capital Improvement Plan prepared by our City Manager, Barb Sondag and Financial Director, Darren Mann with input by city staff and Council, is the most informative, transparent city budget document I've ever read. The details in the written summary of departments, funding categories, numerical breakdowns, charting & grafts are easy to understand. Again, it is by far the best budget and capital improvement document I've ever read. I normally *don't* encourage people to read budgets and numbers, but I urge every citizen to look at the budget and capital improvement plan for Olivette. It is fun and informative reading. Ms. Sondag is to be commended for her work with the details of the budget and the 5 year CIP based on Council priorities. Both documents clearly show where the city is now and where we need to go for the next five years. Let's keep Olivette moving forward. Thank you, Madam Mayor for time to address the citizens prior to the public hearing."

Finance Director Mann gave a PowerPoint presentation to the City Council regarding the proposed budget for fiscal year July 1, 2016-June 30, 2017, including a proposed capital improvement plan for the next 5 years. He noted that the budget document has been designed in accordance with the standards used for the GFOA Distinguished Budget Award, which has been the standard in budgeting since 1984.

Morton Bertish, 8829 Chisholm Court, posed questions regarding Fund 30 (Finance Director Mann noted that Mr. Bertish was actually referencing Fund 35 – Escrow Trust Fund.) Finance Director Mann stated that this is actually a performance bond, and is an "agency fund", not our own money. The amount seen in the budget document is only the interest from that money. Mr. Bertish also noted that \$20,000 was included in the budget for a parks study, and asked if this was necessary, since a study has been conducted in the past. City Manager Sondag noted that there has not been a comprehensive study of the entire parks system recently, and there appears to be no final report for the last study that was conducted.

Mayor Springer closed the public hearing at approximately 8:30 PM and reconvened to the regular meeting.

Finance Director Mann entered into the public record, Bill #2809, notice of Public Hearing, and affidavit of publication.

Discussion held regarding the Capital Improvement Fund, NID Fund and Equipment Replacement Fund. Additional discussion held regarding the need for additional revenue and redevelopment.

Mayor Springer noted that with the passage of SB5, the state set forth best practices for municipalities, some of which dealt with budgets. She noted that Olivette meets the best practices set forth by SB5. She stated that Olivette has always had a well thought out budget, and this year, the budget goes above and beyond those from the past. Mayor Springer stated that the City has been, and will continue to be, one of the communities who do things the right way. She stated that Olivette's professional staff sets the City apart from other municipalities. The City's funds are well managed.

City Manager Sondag noted that, although staff and department heads contributed to the formation of the budget, the budget document itself, with the graphs and links, was the work of Finance Director Darren Mann. She complimented Mr. Mann on his work on this document. She encouraged residents to read the goals of the departments, contained in the budget, which explains the services that the City provides to the community.

Council Member Weil made a motion to approve Bill #2809 - An Ordinance Making Appropriations for Current Expenses of the City Government of the City of Olivette, Missouri for the Fiscal Year July 1, 2016-June 30, 2017; Adopting a Certain Budget; and Adopting a Certain Salary Scale. Motion seconded by Council Member Sewell.

**POLL OF THE COUNCIL:**

Council Member Weil	Yea
Council Member Sewell	Yea
Council Member Waldman	Yea
Chairman Pro-tem Carl	Yea
Mayor Springer	Yea

Motion passed. By action of the City Council, Bill #2809 becomes Ordinance #2583.

**NEW BUSINESS**

**Item #9 – Request to Encumber FY 2016 Budgeted Funds**

Finance Director Mann noted that, included in the Council packets, is a listing of individual items included with the budgets of fiscal year 2014, 2015, and 2016. He stated that these funds are not expected to be spent by the end of the fiscal year, and therefore, staff is requesting that they be encumbered for expenditure in a subsequent period. Items to be encumbered were noted as:

<b>Year</b>	<b>Account</b>	<b>Description</b>	<b>Amount</b>
FY 2016	01-1500-B910	Codification of Ordinances	\$1,838
FY 2015	01-1601-B190	Planning and Zoning Traffic Study	\$24,500
FY 2015	05-4021-D230	Public Works Engineering	\$4,270
FY 2015	30-3100-D210	Park Pavilion and Community Center Roof	\$28,250
FY 2014	05-4021-D230	Dielman Road Bridge Repair	\$58,735

Chairman Pro-tem Carl made a motion to approve \$117,593 in encumbrances including \$26,338 in the General Fund (Fund 01), \$63,005 in the Capital Improvements Fund (Fund 05), and \$28,250 in the Stormwater/Parks Fund (Fund 30). Motion seconded by Council Member Weil.

POLL OF THE COUNCIL:

Chairman Pro-tem Carl	Yea
Council Member Weil	Yea
Council Member Waldman	Yea
Council Member Sewell	Yea
Mayor Springer	Yea

Motion passed.

**Item #10 – Bill #2810 – An Ordinance to amend Section 400.840 Special Permit Uses of Article IX “LID” Light Industrial District being part of Chapter 400 Zoning Regulations of Title IV Land Use of the Olivette Municipal Code regarding Adult Entertainment Businesses or Establishments – First Reading, Public Hearing, Second Reading**

City Clerk Bennett read Bill #2810 – An Ordinance to amend Section 400.840 Special Permit Uses of Article IX “LID” Light Industrial District being part of Chapter 400 Zoning Regulations of Title IV Land Use of the Olivette Municipal Code regarding Adult Entertainment Businesses or Establishments for the first time, by title only.

Chairman Pro-tem Carl made a motion to set aside ordinary rules and hold a public hearing and second reading of Bill #2810 at tonight’s meeting. Motion seconded by Council Member Waldman.

POLL OF THE COUNCIL:

Chairman Pro-tem Carl	Yea
Council Member Waldman	Yea
Council Member Sewell	Yea
Council Member Weil	Yea
Mayor Springer	Yea

Motion passed.

At approximately 8:47 PM, Mayor Springer closed the regular meeting and opened the floor for a public hearing.

Planning and Community Development Director Trejo gave an overview of this item, noting that the proposed ordinance would authorize adult entertainment businesses and establishments as a special permit use in the “LID” Light Industrial District, as was initially adopted by the City Council under Ordinance #2319. He stated that the section of the City Code that provides for the placement of adult entertainment businesses and establishments within the City was mistakenly repealed from the LID District, and therefore, the current use is not authorized in any zoning district. He noted that this exposes the City to litigation if a property owner was to request authorization to permit such a use. Without defined parameters for location, the Courts could determine where and how this use can operate.

Mr. Trejo stated that staff is requesting the City Council to consider adoption of Bill #2810, to re-establish the guidelines for this type of special use permit in the “LID” district, which were mistakenly removed from the City Code. He noted that a public hearing notice was scheduled in accordance with Section 400.1910, and properly posted in accordance with Article XX of the City’s Zoning Regulations. He added that, at the June 16, 2016, meeting of the Planning and Community Design Commission, the Commission unanimously motioned to recommend approval.

Planning and Community Development Director Trejo asked that the following items be entered into the public record: Ordinance #2319, copy of staff memo dated June 28, 2016, Bill #2810, Title IV – Land Use of the Municipal Code, Zoning Map, Strategic Plan of the City of Olivette, notice of Public Hearing, and affidavit of publication.

Mayor Springer asked for public comment regarding this issue.

Morton Bertish, 8829 Chisholm Court, addressed the City Council stating that he feels these types of businesses are detrimental to the community. Mayor Springer stated that it has been established by law that municipalities cannot prohibit these types of businesses within their communities; however, municipalities can limit their placement. She explains that this simply re-establishes the regulations where were inadvertently removed from the City Code.

Being no other public comments, Mayor Springer closed the public hearing at approximately 8:53 PM and reconvened to the regular meeting.

City Clerk Bennett read Bill #2810 – An Ordinance to amend Section 400.840 Special Permit Uses of Article IX "LID" Light Industrial District being part of Chapter 400 Zoning Regulations of Title IV Land Use of the Olivette Municipal Code regarding Adult Entertainment Businesses or Establishments for the second time, by title only.

Chairman Pro-tem Carl made a motion to approve Bill #2810 – An Ordinance to amend Section 400.840 Special Permit Uses of Article IX "LID" Light Industrial District being part of Chapter 400 Zoning Regulations of Title IV Land Use of the Olivette Municipal Code regarding Adult Entertainment Businesses or Establishments. Motion seconded by Council Member Sewell.

**POLL OF THE COUNCIL:**

Chairman Pro-tem Carl	Yea
Council Member Sewell	Yea
Council Member Waldman	Yea
Council Member Weil	Yea
Mayor Springer	Yea

Motion passed. By action of the City Council, Bill #2810 becomes Ordinance #2584.

**Item #11 - Bill #2811 – An Ordinance Providing for the Repeal of Chapter 205.030 and 205.040, Fire Prevention and Protection of the Code of Ordinances of the City of Olivette, Missouri and the Enactment of one New Chapter 205.030 and 205.040 of the Municipal Code of the City of Olivette, Missouri on the Same Subject – First Reading**

City Clerk Bennett read Bill #2811 – An Ordinance Providing for the Repeal of Chapter 205.030 and 205.040, Fire Prevention and Protection of the Code of Ordinances of the City of Olivette, Missouri and the Enactment of one New Chapter 205.030 and 205.040 of the Municipal Code of the City of Olivette, Missouri on the Same Subject for the first time, by title only.

Fire Chief Avery gave an overview of this issue, stating that only two changes have been made since this item was last discussed. The changes include regulations regarding removal of tanks not in use versus filling of tanks with gravel, and regulations regarding fire lanes. He noted that the new regulations will also expand fire access on private streets. Discussion held.

It was noted that the second reading of Bill #2811 will be held at the July 12, 2016 City Council meeting.

**Item #12 - Bill #2812 – An Ordinance amending Section 600.080 of the Municipal Code of the City of Olivette by Enacting an Exception to the Requirement of Obtaining a Criminal Background Check for the Issuance of a Liquor License - First Reading**

City Clerk Bennett read Bill #2812 – An Ordinance amending Section 600.080 of the Municipal Code of the City of Olivette by Enacting an Exception to the Requirement of Obtaining a Criminal Background Check for the Issuance of a Liquor License, for the first time, by title only.

City Manager Sondag stated that, at the previous meeting, there appeared to be some confusion as to whether or not a background check was needed, when a current license holder applies for a special event license or a tasting license. She noted that the City Attorney drafted the proposed ordinance amendment, which clarifies that background checks on persons currently holding a liquor license and requesting a special event or tasting license will be at the discretion of the Police Chief.

It was noted that the second reading of this bill will be held at the July 12, 2016 City Council meeting.

**Item #13 - Furniture Bid for City Center Furniture**

City Manager Sondag noted that the City Council is being asked to authorize the City to enter into an agreement with Professional Office Environments (POE) Incorporated for purchase, delivery and installation of new furniture for the City Center. She noted that the City is not purchasing all new furniture, and much of the existing furniture will be used in the new facility. She stated that the contract with POE also covers disassembly of existing workstations, moving, and re-assembly. City Manager Sondag noted that the total cost for this contract is not to exceed \$237,635, and added that the bid came in under budget by approximately \$70,000.

Council Member Waldman made a motion to authorize the City Manager to enter into an agreement with Professional Office Environments, Inc. for purchase, delivery, and installation of new furniture and disassembly, delivery, and re-assembly of existing work stations at the new City Center, at a cost not to exceed \$237,635. Motion seconded by Chairman Pro-tem Carl.

**POLL OF THE COUNCIL:**

Council Member Waldman	Yea
Chairman Pro-tem Carl	Yea
Council Member Sewell	Yea
Council Member Weil	Yea
Mayor Springer	Yea

Motion passed.

**Item #14 - Review and Approval of the Minutes of the June 14, 2016 City Council Meeting**

Mayor Springer asked if there were any corrections to be made to the minutes of the June 14, 2016 City Council meeting. Being none, Council Member Weil made a motion to approve the June 14, 2016 City Council meeting as submitted. Motion seconded by Council Member Waldman.

**POLL OF THE COUNCIL:**

Council Member Weil	Yea
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Council Member Waldman	Yea
Council Member Sewell	Yea
Chairman Pro-tem Carl	Yea
Mayor Springer	Yea

Motion passed.

**Item #15 – Hearing from Citizens (Part 2)**

No speaker cards were submitted.

**Item #16 – City Attorney’s Report**

No report. City Attorney Martin was absent. City Manager asked that the City Council consider holding an executive session meeting at the end of the meeting pursuant to the Revised Statutes of the State of Missouri, Section 610.021.1 and Section 610.021.2 for attorney-client privileged communications and to discuss real estate matters.

**Executive Session**

Council Member Waldman made a motion to move into Executive Session, pursuant to the Revised Statutes of the State of Missouri, Section 610.021.1 and Section 610.021.2 for attorney-client privileged communications and to discuss real estate matters. Motion was seconded by Chairman Pro-tem Carl.

**POLL OF THE COUNCIL:**

Council Member Waldman	Yea
Chairman Pro-tem Carl	Yea
Council Member Sewell	Yea
Council Member Weil	Yea
Mayor Springer	Yea

Motion passed. City Council moved to Executive Session at approximately 9:10 PM.

The City Council reconvened to the regular meeting at approximately 10:15 PM. It was noted that no reportable votes were taken.

**Item #17 – Adjournment**

Being no further business, Chairman Pro-tem Carl made a motion to adjourn the meeting. Motion seconded by Council Member Weil. Mayor Springer adjourned the meeting at approximately 10:16 PM.

  
Mayor Ruth Springer

ATTEST:

  
Myra G. Bennett, CMC/MPCC  
City Clerk  
City of Olivette